

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALROY RICHARDS,

Plaintiff,

-against-

CITY OF NEW YORK COMPTROLLER;
NEW YORK CITY PARKS AND
RECREATION; and EQUAL
OPPORTUNITY COMMISSION,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 08/26/2020

1:19-cv-10697-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of Plaintiff's letter filed August 18, 2020, where he states that he would like to name as parties to this action the City of New York and the United States Attorney's Office for the Southern District of New York (the "USAO, SDNY") [ECF No. 40].

In light of Plaintiff's *pro se* status and clear intention to assert claims against the City of New York, the Court construes Plaintiff's Complaint as asserting claims against the City of New York and directs the Clerk of Court to add the City of New York to the caption of this action. *See* Fed. R. Civ. P. 21. Should the City of New York wish to supplement its Motion to Dismiss [ECF No. 34] to address any claims brought against the municipality, it shall do so on or before **September 28, 2020**. Plaintiff shall then respond to any response by the City on or before **October 28, 2020**.

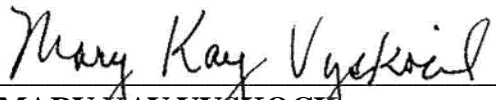
The Court also construes Plaintiff's letter as a request to name and assert claims against the USAO, SDNY. Under the doctrine of sovereign immunity, the USAO, SDNY is immune from suit. The doctrine of sovereign immunity bars federal courts from hearing all suits against the federal government, including suits against federal agencies, unless sovereign immunity has been waived. *United States v. Mitchell*, 445 U.S. 535, 538 (1980); *see Robinson v. Overseas Military*

Sales Corp., 21 F.3d 502, 510 (2d Cir. 1994) (“Because an action against a federal agency . . . is essentially a suit against the United States, such suits are . . . barred under the doctrine of sovereign immunity, unless such immunity is waived.”). Moreover, government lawyers who defend civil suits enjoy the same absolute immunity as government prosecutors. *See Barrett v. United States*, 798 F.2d 565, 572 (2d Cir. 1986). Accordingly, Plaintiff’s request to name and assert claims against the USAO, SDNY is DENIED.

The Clerk of Court is directed to mail a copy of this order to the *pro se* Plaintiff at the address of record.

SO ORDERED.

**Date: August 26, 2020
New York, NY**


MARY KAY VYSKOCIK
United States District Judge